

July 15, 2005

Mr. Timothy Lough, Ph.D., P.E.  
Special Projects Engineer  
Division of Energy Regulation  
PO Box 1197  
Richmond, VA 23218

Dear Mr. Lough:

Thank you for your request for comments regarding SB 783. The Virginia Municipal League is interested in participating in this study.

In terms of SB 783, it does not require the locality requesting the undergrounding to become a party to the transmission line application that triggers the request. The request by a locality would typically be initiated by a resolution or other legislative action by the governing body, either the city council or county board of supervisors.

In response to your questions, our answers are as follows:

1. The governing body of the locality should not be required to become a party in the proceedings of the SCC on the application. A governing body may simply desire that the SCC and the utility applicant consider the request. On the other hand, a locality may well be prepared to fully engage itself in the proceeding, so there should be a right of a local government to become a party to the proceeding.
2. Similarly, a local government may not desire to be adequately involved to the point of submitting alternatives. In some cases, as noted above, the locality may wish to be fully engaged. In those cases, the local government should have the authority to submit engineering and other information on the alternatives related to the undergrounding of the transmission line subject of the application.

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3. If a locality decides it wishes to be fully engaged in a proceeding to the point that it becomes a party, then the scheduling of filings should certainly apply to the items filed by the local government. VML has no position on what the milestones would be, except to note that the timing should be such that the documents filed give the other participants time to react in a deliberate manner and the timing should not force the locality to file documents in a hurried fashion. The locality should not bear the burden of proof in a proceeding. The utility should retain the burden of proof.

4. The utility should be expected to fully cooperate with the locality in developing alternatives if the local government becomes a party and submits proposals. The development of alternatives may be the obligation of the utility applicant or may be developed jointly with the locality in the proper case. The locality should not bear the total cost of underground alternatives. The cost should be evaluated on a case-by-case basis, but with the principal obligation remaining on the utility, as the facilities will be owned and operated by the utility.

We appreciate the opportunity to respond to these questions.

Sincerely,

A handwritten signature in cursive script that reads "R. Michael Amyx".

R. Michael Amyx  
Executive Director

Cc: Kimberly Pollard, VML staff